IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22477 of 2004

Between:

1 Dr. Ch. Hymavathi, D/o Late Challa Appa Rao,
Rajahmundry, R/o 46-21-4/2, Dannavaipeta, Rajahmundry, E.G. District.
2 Mrs. K. Vijaya Lakshmi, W/o P. Krishna Murthy,
Rajahmundry, R/o 19-4-18, Ratnampeta, Rajachandrapuram, E.G. District.
3 Mrs. C. Surya Rao, W/o N.L.N. Sastry,
Rajahmundry, R/o 10-2-2-, Flat No. 406, D.S.V. Raju Complex, Pushkar Ghat,

Rajahmundry, E.G. District.

..... PETITIONERS

AND

1 Commissioner of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad.
2 Government of Andhra Pradesh, rep. by its Principal Secretary,
Department of Education, (Higher Education), Secretariat, Hyderabad.
3 S.K.R. College for Women, Rajahmundry , E.G. District,
rep. by its Correspondent & E.O.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate Writ, order or direction declaring the inaction of the respondents in not sanctioning the Earned Leave of petitioners of 116 days amounting to Rs. 1,17,816/- . 63 days Rs. 61,015 and 74days - Rs. 67,450/- as arbitrary, illegal and without jurisdiction and consequently direct the respondents herein to clear-off the Earned-Leave dues to the petitioners forthwith together with interest.

Counsel for the Petitioners: MR.C.C.S.SASTRY

Counsel for the Respondent Nos.1 to 3: GOVERNMENT PLEADER FOR

HIGHER EDUCATION

The Court at the stage of admission, made the following :

ORDER:

This writ petition is filed to issue a writ of mandamus declaring the inaction of the respondents in not sanctioning the Earned Leave of the petitioners for 116 days as arbitrary, illegal and without jurisdiction and consequently direct the respondents to clear off the earned leave dues to them forthwith.

The learned Government Pleader for Higher Education made available a copy of the proceedings of the Directorate of College of Education dated 16.11.2004 where under the benefit of earned leave is not extended to the private aided college. Therefore, the request of the petitioners was not feasible. Hence, it was rejected.

Therefore, there is no lis to be decided. However, it is open to the writ petitioners to challenge the proceedings of the Directorate of College Education dated 16.11.2004.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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14.12.2004

bsv

To

1 The Commissioner of Collegiate Education, Government of Andhra Pradesh, Nampally, Hyderabad.
2 The Principal Secretary,Government of Andhra Pradesh, Department of Education, (Higher Education), Secretariat, Hyderabad.
3 The Correspondent & Executive Officer, S.K.R. College for Women, Rajahmundry , E.G. District,

4. 2 CCS to the Government Pleader for Higher Education, High Court Buildings, A.P., Hyderabad (OUT)

5. 2 CD copies